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**UNITED STATES DISTRICT COURT**

**EASTERN DISTRICT OF TEXAS**

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RICKY D. SHORT, §  
Plaintiff, §  
versus § CIVIL ACTION NO. 1:09-CV-169  
WARDEN ALFORD, §  
Defendant. §

**MEMORANDUM ORDER ADOPTING  
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Ricky D. Short, proceeding *pro se*, filed the above-styled civil rights lawsuit.

The court previously referred this matter to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court.

The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge concerning this matter. The magistrate judge recommends this lawsuit be dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(b).

The court has received the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. No objections were filed to the magistrate judge's Report and Recommendation.

SIGNED at Beaumont, Texas, this 19th day of May, 2009.

  
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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE

ORDER

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered dismissing this lawsuit.